MGN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.3288 OF 2007

Mr. Rajendra Vittal Dhuri ..Petitioner

Versus

The State of Maharashtra & Ors...Respondents

Ms. Seema Gupta i/b. Mr. A.M. Sarogi for the petitioner
Mr. V.A. Sonpal, AGP for respondent No.1.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 15th June, 2007

P.C. . The petitioner by the present petition seeks to challenge the action of Respondent No.2 in seeking to recover the dues from the petitioner. In terms of documents on record he stood surety for one Smt. Ragini Jignesh Patel. The petitioner has approached this Court and sought the relief to direct the respodnent No.2 not to act upon such direction.

2. In the first instance the petition as filed would not be maintainable as it is only by a Co-operative Bank in terms of the powers vested in it under Section 49 of the M.C.S. Act, 1960 pursuant to the Agreement between the petitioner and his employer. It will be open to the petitioner, if aggrieved, to take out proceedings available to him under the M.C.S. Act. With the above observations petition disposed of. No order as to costs.

(**F.I.REBELLO**, J)

(**R.M. SAVANT,J)**